

F. #2014R00501

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

STIPULATION & ORDER

- against -

Cr. No. 15-637 (KAM)

MARTIN SHKRELI,

Defendant.

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WHEREAS, with respect to the materials provided by the government to the defendant Martin Shkreli pursuant to Title 18, United States Code, Section 3500 (the "Section 3500 Material") in connection with the above-captioned case, which contain highly sensitive information about individuals, including personal, financial and information,

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that:

1. The Section 3500 Material can be used by the defendant Martin Shkreli and his defense counsel in this action, *Securities and Exchange Commission v. Martin Shkreli et al.*, Civ. No. 1:15-cv-07175 (KAM) (RML), and any litigation or investigation arising out of or relating to the allegations in the above-captioned indictment and the SEC case (hereinafter collectively "Actions") only for purposes of preparing and/or filing motions in these Actions, factual and legal work in these Actions, trial preparation in these Actions, defense at trial in these Actions, and any appellate proceedings arising from those Actions.

2. Absent further order of the Court, the defendant Martin Shkreli and his counsel may not disclose or disseminate the Section 3500 Material to anyone who has not agreed to be subject to this Stipulation and Order (by signing a copy of this Stipulation and Order, stating that

they "Agree to be bound by the terms herein," and providing such copy to counsel for the particular defendant) other than the following people:

- (a) those of defense counsel's legal staff including secretarial, clerical, and other personnel employed full-time or part-time;
- (b) any potential expert witnesses, consultants, and/or other personnel retained by or working under the direction of defense counsel;
- (c) such other persons as hereafter may be authorized by the Court upon motion by any party.

3. If the defendant, his counsel, or anyone else who has received Section 3500 Material pursuant to the terms of this Stipulation and Order seeks to make further disclosure or dissemination of the Section 3500 Material beyond what is permitted pursuant to the terms of this Stipulation and Order, or otherwise ordered by the Court, notice must first be provided to the government and the Court, and such notice must be given sufficiently in advance of the contemplated disclosure or dissemination so as to permit briefing and argument on the propriety thereof.

4. In the event that the defendant desires to publicly file Section 3500 Material with the Court (as opposed to filing such Section 3500 Material under seal), the defendant and his counsel will seek permission from the Court.

5. The Section 3500 Material shall be shredded, erased, and/or destroyed, as the case may be, at the conclusion of this matter for the defendant Martin Shkreli, specifically within sixty (60) days of (a) a verdict of acquittal for the defendant rendered by a jury, (b) the date of sentencing for the defendant if no appeal is filed, (c) the issuance of an appellate decision for the defendant rendering a final judgment, or (d) the conclusion of any collateral appeal or attack on any decision.

6. Any material that (i) is public and/or (ii) was obtained or is obtained by any party through means other than receipt in the Section 3500 Material in this case shall not be deemed confidential and shall not be subject to this Stipulation and Order.

7. Any violation of this Stipulation and Order will be determined by the Court, and may result in sanctions to be imposed by the Court.

Dated: Brooklyn, New York
June 12, 2017

BRIDGET M. ROHDE
Acting United States Attorney
Eastern District of New York

By:

Jacquelyn Kasulis
Alixandra Smith
G. Karthik Srinivasan
Assistant U.S. Attorneys


Martin Shkreli, Defendant


Braffman & Associates,
Attorneys for Defendant

So Ordered.


THE HONORABLE KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK